

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 53-66 are pending in this application. Claims 53-55, 57, 61-63, and 65 are amended. Applicant requests that the amendments and remarks made herein be entered into the file history of the application. Upon entry of the amendments, claims 53-66 will be pending and under active consideration.

b. Amendments to the Claims

Amended claims 53 and 61 are amended in part to further state that the C, D, and E groups are the same in every monomer of the general formula in claims 53 and 61 that is polymerized in the cross-linked polymer. Support for amended claims 53 and 61 is found throughout the specification as originally filed, including at Example 4, which shows use of only one type of claimed monomer, that of claim 1, which is used to produce a cross-linked polyether polymer. Claims 54 and 62 are amended to remove the duplicative term “ketone,” which is a typographical error and does not relate to any issue regarding patentability. Claims 55 and 63 are amended to define the electron withdrawing group (E) as ethyl formate and nitrile. Support for amended claims 55 and 63 can be found throughout the specification, for example, page 21, lines 1-7 in combination with page 35, lines 4-7 showing an ethyl formate group represented by E. Claims 57, and 65 are amended to define the n group as 1 to 100 as supported on pages 30 and 31 of the application.

c. Claim Objections

On page 2 of the Office Action, the Examiner objects to claims 54 and 62. As discussed above, claims 54 and 62 have been amended to remove the duplicative term “ketone,” thereby rendering the objection moot. Applicant respectfully requests withdrawal of the objection.

2. Patentability Remarks

a. 35 U.S.C. § 112, second paragraph

On pages 5 of the Office Action, the Examiner rejects claims 55, 57, 58, 63, 65, and 66 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Claims 55 and 63

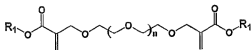
Specifically, the Examiner asserts that the phrase “alkyl acrylate” as an option for a withdrawing group is unclear because the carbon-carbon double bond in formula 53 would be the

double bond of the alkyl acrylate. The Examiner asserts that second point of attachment to the polyether is unclear.

As discussed above, claims 55 and 63 have been amended to indicate that the E electron withdrawing group is ethyl formate or nitrile. Support for the electron withdrawing group of ethyl formate can be found in Examples 3 and 4 of the specification. Specifically, an ethyl formate group could act as the electron withdrawing group E to form the monomer for the poly(di(ethyl (PEG2000methyl)ester) in Example 4. In view of the foregoing amendment and remarks, Applicant submits that claims 55 and 63 particularly point and distinctly claim the subject matter as supported by the specification.

Claims 57, 58, 65, and 66

With regard to claims 57, 58, 65, and 66, the Examiner asserts that the value of “n” is undefined. As discussed above, claims 57, 58, 65, and 66 now define “n” as 1 to 100 as supported on pages 30 and 31 where the resins are defined with n groups equal to 1 to 100. In particular, the



monomer

is defined with an n group and R¹ being a C₁-

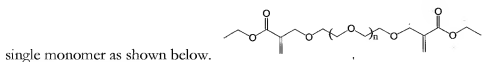
C₁₀ alkyl. Applicant submits that amended claims 57, 58, 65, and 66 particularly point and distinctly claim the subject matter as supported by the specification. In view of the foregoing, the Applicant respectfully submits that the rejection of claims 55, 57, 58, 63, 65, and 66 under 35 U.S.C. § 112, second paragraph has been overcome and should be withdrawn.

b. 35 U.S.C. § 102

On page 5-8 of the Office Action, the Examiner rejects claims 53-57, 59, and 61-65 under 35 U.S.C. § 102(b) as allegedly being anticipated by US 7,235,297 (“Côté” hereafter). The Examiner asserts that the instantly claimed subject matter of the Applicant does not exclude the incorporation of other monomers in addition to the recited monomer and thereby reads on Côté as Côté discloses a cross-linked polyether made by using a co-polymer. In view of the foregoing amendments, Applicant respectfully disagrees.

The amendment to independent claims 53 and 61 clearly indicates that the monomers of the claimed cross-linked polyether are of one type, as the D, C, and E groups of every monomer of the cross-linked polyether is the same. Again, support for a cross-linked polyether polymer with one

type of monomer can be found in Example 4 as poly(di(ethyl(PEG2000methyl)ester)) is made of the



Applicant submits that the claim language excludes the incorporation of other monomers in addition to the claimed monomer, and therefore the instant claims relate to a polyether made from only one type of monomer.

In stark contrast, Côté requires copolymerization of at least one polymerizable monomer with at least one cross-linker or divinyl benzene—thus requiring at least two different components. See Côté at column 4, lines 30-37. Côté does not teach or suggest making a polymer using only one type of monomer. Accordingly, the instantly claimed subject matter is readily distinguishable from the polyether disclosed by Côté. In view of the foregoing amendment and remarks, Applicant respectfully submits that the rejection of claims 53-57, 59, and 61-65 under 35 U.S.C. § 102(b) in view of Côté has been overcome and requests that the rejection should be withdrawn.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,
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